

"Express Mail" mailing label number EV 655 031 193 US

Date of Deposit: March 3, 2006

PATENT
CASE NO. 8285/490

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Gorman et al.)	
)	Examiner: K. Harper
Serial No. 10/036,861)	
)	Group Art Unit: 2666
Filing Date: December 21, 2001)	
)	
For TELECOMMUNICATION SYSTEM,)	
METHOD AND SUBSCRIBER)	
UNIT FOR USE THEREIN)	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the final rejection in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

REMARKS

In the final Office Action dated October 18, 2005, the Examiner rejected all of the pending claims as obvious under 35 U.S.C. § 103(a) as follows:

Claims	Cited References
48, 53, 74-77	Whittaker et al. in view of Johnson (U.S. 5,999,801) and Rydberg
65	Whittaker et al. in view of Johnson, Rydberg and Musa (U.S. 6,016,349)
66-67 and 78-79	Whittaker et al. in view of Johnson, Rydberg and Dancs (U.S. 6,385,651)
68-70 and 80-82	Whittaker et al. in view of Johnson, Rydberg and Mankovitz (U.S. 5,703,795)
71-73	Whittaker et al. in view of Johnson, Rydberg and Harrington (U.S. 5,546,454)

I. Rejections Based on Obviousness-type Double Patenting

Applicants respectfully disagree with the Examiner's rejection of the claims for obviousness-type double patenting. In order to expedite issuance of a Notice of Allowance, however, Applicants will submit a suitable terminal disclaimer upon an indication of allowability of the claims over the remaining cited art.

II. The Rejections Under 35 U.S.C. § 103 (a) Fail to State a Prima Facie Case of Obviousness

Applicants submit that the pending rejections fail to cite references teaching or suggesting all of the claimed features.

A. Rejection of claims 48 and 77 over Whittaker in view of Johnson and Rydberg

CLAIM 48

Applicants respectfully traverse the Examiner's rejection of claim 48 over the combination of Whittaker, Johnson and Rydberg. Claim 48 relates to a subscriber interface unit subscriber interface unit for coupling an asymmetrical digital subscriber line to an analog land-line telephone.

The subscriber interface unit claimed in claim 48 includes, *inter alia*, a housing, an electrical coupler coupled to the housing for connection to a cable carrying the asymmetrical digital subscriber line, a telephone jack for connection to a cable of the analog telephone, a converter for converting the first analog signals generated by the analog telephone into a first plurality of data packets for transmission to a selected one of a plurality of derived digital telephone lines and for converting a second plurality of data packets received from the selected one of the plurality of derived digital telephone lines into a second analog signal for transmission to the analog telephone, and a smart card interface unit positioned in the housing and configured to receive a smart card defining an address for the subscriber interface unit.

In the final Office Action, the Examiner has noted that the Whittaker and Johnson references do not teach or suggest a smart card interface unit to receive an address for the subscriber interface unit. Rydberg has been cited by the Examiner to try and address this deficiency. Applicants note that, unlike the land-line connected subscriber interface unit of claim 48, Rydberg discloses a mobile end station (e.g. mobile phones, laptops, pagers) with a primary address and a secondary address. The cited section of Rydberg (Rydberg, Col. 2, lines 13-15) is from the background section of Rydberg and discusses how secondary IP addresses for mobile devices previously required entering the address into a SIM card, which in turn required manual access to the mobile end station by a technician.

Rydberg fails to teach or suggest the use of a smart card in a land-line subscriber interface unit. Rydberg not only fails to teach or suggest a smart card interface for a land-line subscriber interface unit or phone, Rydberg also teaches away from SIM cards for use with secondary addresses even in mobile end-user devices (See Rydberg, Col. 2, lines 30-38). Instead, Rydberg proposes a SNMP software agent for mobile devices that cooperates with SNMP Managers for a mobile communication system (See Rydberg, Col. 3, lines 24-57).

Rydberg is also not properly combinable with Whittaker or Johnson. There is no teaching or suggestion in any of these references to combine the mobile device addressing scheme disclosed in Rydberg with either the land-line telephony of Whittaker or the CB microphone of Johnson. Furthermore, even in the context of mobile devices,

Rydberg teaches away from using a smart card to handle new addresses by describing the disadvantages of SIM card use and advocating a software solution for addressing mobile devices.

Accordingly, Applicant submits that claim 48 is allowable over the art of record for at least the reasons provided.

CLAIM 77

Applicants also respectfully traverse the Examiner's rejection of claim 77 over the combination of Whittaker, Johnson and Rydberg. Claim 77 relates to a subscriber interface unit for coupling an asymmetrical digital subscriber line to an analog, land-line telephone. The subscriber interface unit claimed in claim 77 includes, inter alia, a housing, an electrical coupler coupled to the housing for connection to a cable carrying the asymmetrical digital subscriber line, a telephone jack for connection to a cable of the analog telephone, and software code having instructions for downloading a plurality of smart card data through a smart card interface unit positioned in the housing and reconfiguring an address of the subscriber interface unit based on the plurality of smart card data.

The Examiner has stated that the Whittaker and Johnson references do not teach or suggest a smart card interface unit to receive an address for the subscriber interface unit. Rydberg was cited to try and address this deficiency. Applicants note that, unlike the land-line connected subscriber interface unit of claim 77, Rydberg discloses a mobile end station (e.g. mobile phones, laptops, pagers) with a primary address and a secondary address. The cited section of Rydberg (Rydberg, Col. 2, lines 13-15) is from the background section of Rydberg and discusses how secondary IP addresses for mobile devices previously required entering the address into a SIM card, which in turn required manual access to the mobile end station by a technician.

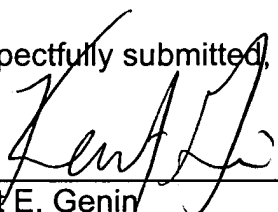
As discussed above with respect to claim 48, Rydberg fails to teach or suggest a smart card interface for a land-line telephony device. Additionally, Rydberg teaches away from using SIM cards and none of the cited references teach or suggest the combination of a land-line telephony device with a mobile device. Also, claim 77 recites software code in a computer readable medium for downloading a plurality of smart card data and reconfiguring an address of the subscriber interface unit based on the plurality of smart

card data. This is contrary to the teaching of Rydberg, which teaches away from using a SIM card and favors software agents (see discussion of claim 48 above).

Accordingly, Applicants respectfully submit that claim 77 is allowable over the art of record.

The errors in the pending obviousness rejections are discussed with respect to the independent claims for purposes of brevity. The respective dependent claims are submitted to be allowable for at least the same reasons. Applicants submit that this case is in condition for allowance.

Respectfully submitted,



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